

Notice of Allowability

Application No.

10/736,135

Examiner

Marisol Figueroa

Applicant(s)

CREAMER ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview held on 12/15/2006.
2. ☒ The allowed claim(s) is/are 1-19,22,23,31-34,36-45,47-55,58 and 59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061217</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Hinson on December 15, 2006.

2. The application has been amended as follows:

Claims 20, 21, 24-30, 35, 56, and 57 (cancelled).

Claim 48 (currently amended) The machine readable storage of claim 46 43, wherein the acknowledgement is sent from a gateway interface between the cellular network and the Internet.

Allowable Subject Matter

3. Claims 1-19, 22, 23, 31-34, 36-45, 47-55, 58, and 59 (*renumbered as 1-45, respectively*) are allowed.

4. The following is an examiner's statement of reasons for allowance:

Claims 1, 31, and 37 are allowed because the closest prior art, Sundar et al. (US 2003/0134636) in views of Fors et al. (US 2004/0203788) and Ozluturk (US 6,122,511), either singularly or in combination, fail to anticipate or render obvious the features of initiating a handoff based on a comparison of the strength of detected signals from both a cellular network and a wireless network, wherein the mobile communications device determines based upon the

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comparison to effect the handoff and operates to attenuate a signal transmitted from the mobile communications device to the cellular network thereby causing the cellular network to effect the handoff.

Claims 7, 32, and 43 are allowed because the closest prior art, Sundar et al. (US 2003/0134636) in views of Ibe et al. (US 2004/0087307) and Ozluturk (US 6,122,511), either singularly or in combination, fail to anticipate or render obvious the features of a mobile communications device deciding when to initiate the handoff and acting to attenuate a signal provided to the cellular network from the mobile communications device, thereby causing the cellular network to handoff a cellular call.

Claims 13 and 49 are allowed because the closest prior art, Fors et al. (US 2004/0203788) in view of Ozluturk (US 6,122,511), either singularly or in combination, fail to anticipate or render obvious the features of initiating a handoff, wherein the mobile communications device determines when to initiate the handoff and operates to attenuate signals transmitted from the mobile communications device to the cellular network thereby causing the cellular network to effect the handoff.

Claims 15, 34, and 51 are allowed because the closest prior art, Sundar et al. (US 2003/0134636) in views of Chaskar et al. (US 2004/0090937) and Ozluturk (US 6,122,511), either singularly or in combination, fail to anticipate or render obvious the features of initiating a handoff, wherein the mobile communications device determines when to initiate the handoff and operates to attenuate signals transmitted from the mobile communications device to the wireless network.

Claims 22, 33, 36, and 58 are allowed because the closest prior art, Sundar et al. (US 2003/0134636) in view of Ozluturk (US 6,122,511), either singularly or in combination, fail to anticipate or render obvious the features of initiating a handoff based on a comparison of the

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strength of detected signals from a cellular network and a wireless network, wherein the mobile communications device determines when to initiate the handoff and operates to attenuate signals transmitted from the mobile communications device to the wireless network and thereby causing the handoff to occur.

Claims 2-6, 8, 9, 11, 12, 14-19, 23, 32, 38-42, 44, 45, 47-55, and 59 are allowed as being dependent upon independent claims that have been allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

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assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marisol Figueroa
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LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER